

though the individual may be credit worthy, I want to point out that if that occurs and there is a signature, then at the time of death the entire property, not just the 50% held by the joint owner, but the entire property is subject to the claims. So it is entirely feasible that if you force people or use this mechanism that what will actually happen is, that claims against the estate will be used and the entire property is then subject to the claims of the creditors. In fact, in Senator Beutler's bill is a new exemption, if you will, a new exempt portion of property of a spouse as compared to the situation where they will be compelled or asked to sign a document which I think will probably be realistically the common practice if we fail to pass LB 306. The signature of the spouse will be had and the entire property then will be subject to the claims of financial institutions. Do not think that somehow this signature is some kind of guarantee. In fact, with that signature the entire property then becomes subject to the claims of the creditors and I hardly see how that is some kind of guarantee, some kind of protection for them that does not exist in LB 306. I want to also point out that we have for at least twenty years prior to the probate code, operated under this kind of mechanism. Joint property was available to the creditor in exactly this way. I have yet to hear on the floor any specific instances of dire hardship. Now I don't doubt that there are cases where joint property was reached but we are dealing here in very hypothetical terms speaking of displaced widows and the like without any substantial evidence that that is the case. The idea that many of the opponents of LB 306 have fostered is that this will somehow deprive rightful property from the spouse and I think perhaps an explanation or an understanding of the idea of joint tenancy is essential to the way you look at LB 306. If you believe that joint tenant property immediately flows, title flows to the surviving spouse and it becomes their property completely, I don't doubt that you will see 306 as a pernicious bill.

PRESIDENT: One minute, Senator Landis.

SENATOR LANDIS: The point is, however, realistically that joint property is the subject, is the creation of two proprietary interests, the spouses or the partners, if you will, and it is fictitious or unrealistic to believe that the partner who has died should not have some kind of responsibility to pay their debts. If you think that the property interest that they have in joint tenancy should be subject to that, I think you will agree with Senator Beutler as I do, that LB 306 is an equitable measure.